

**REMARKS**

**A. The Section 103 Rejections**

Claims 1-20 and 22-32 were rejected under 35 USC §103 as allegedly being unpatentable over U.S. Patent No. 5,812,953 to Griffith et al. (hereinafter, "Griffith") in view of U.S. Patent No. 7,266,371 to Amin et al. (hereinafter, "Amin"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Of the rejected claims, claims 1 and 17 are independent. It is to these claims that the Applicants direct their remarks, it being understood that the remarks apply to the remaining dependent claims as well.

Each of claims 1 and 17 include the features of accessing a web page via an Internet Protocol (IP)-based network, and transmitting selected settings [of a separate wireless device within the web page] to a wireless service provider via the IP-based network.

In the Office Action, the Examiner appears to acknowledge that Griffith does not disclose or suggest these features. To make up for the deficiencies in Griffith, the Examiner appears to rely upon Amin.

The Applicants note, however, that Amin is not eligible as a prior art reference. As the Applicants pointed out in their earlier July 2 and July 29, 2009 responses, and reiterate herein, the subject matter of claims 1-20 and 22-32 was conceived by the inventors prior to the effective filing date of Amin, and the inventors exercised due diligence from such conception date up until a constructive reduction practice of the claimed inventions.

The Applicants once again attach, and incorporate by reference herein, the Declarations of each of the inventors in the instant application and supporting invention disclosure documentation attesting to the conception by the inventors prior to the effective filing date of Amin and due diligence from such conception date up until a constructive reduction practice of the claimed inventions.

More specifically, the Declarations set forth a conception date of at least as early as January 3, 2000 and due diligence up to, and including, the filing date of the present application on June 15, 2000. In contrast, Amin's effective filing date appears to be February 22, 2000.

For at least these reasons, the Applicants request withdrawal of the rejections and allowance of claims 1-20 and 22-32.

**B. Withdrawal of the Finality of the Rejections and Entry of Request for Reconsideration**

Because it appears that the Amin reference has been improperly applied, the Applicants submit that the finality of the instant examination was premature and should be withdrawn.

Further, the Applicants request that this Request for Reconsideration ("Request") be entered because the Request: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues requiring further search and/or consideration; (c) does not present any additional claims without canceling the corresponding number of finally

rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary.

\* \* \*

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

**CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.**

By: /John E. Curtin/  
John E. Curtin, Reg. No. 37,602  
P.O. Box 1995  
Vienna, Virginia 22183  
(703) 266-3330